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[Vol. I.

HISTORY.

HISTORIA VERO testis temporum, lux veritatis, vita memoriae, magistra
vitae, nuntia vetustatis, qua voce alia, nisi Oratoris, immortalitati
commendatur.

CICERO DE ORATORE.

CHAPTER XXVII.

THE bill for shutting up the port of Boston met in the parliament of England an opposition as formidable, as truth enforced by talents could enable a minority to make. BURKE, the leading orator of the day, made a speech upon the occasion, of which it might perhaps be enough to say that, with the exception of that most celebrated one, upon American taxation, pronounced on the 19th of April, 1774, and which all judicious critics have concurred in considering the greatest oration ever made in any age or language, it has not been surpassed by any even of that illustrious person's most extraordinary effusions of eloquence. It may indeed, as has been well observed by his biographer, be considered as a history of the disputes between England and her colonies previous to their irreconcilable quarrel. In it he insisted that all the northern provinces were equally averse to the authority of parliament, all equally disaffected, and that it was therefore partial and unjust to select one for punishment,

while the rest were allowed to escape with impunity. And he contended that if the punishment were intended merely for the outrage on the tea ships, there was no evidence whatsoever before the house of all the Bostonians having been concerned in it; and, that therefore it was in the greatest degree unjust to punish them all. Instead of adopting so harsh and precipitate a measure as shutting up the port, time, he said, ought to have been allowed to look out for evidence so as to ascertain who were and who were not just objects of vengeance. In answer to this the minister endeavoured to justify the bill analogically by the law of England, which ordains that a whole district shall indemnify a person robbed within its precincts, because its police, if vigilant and active might prevent the crime. He adduced the memorable case of captain PORTEUS in Edinburgh. In quelling a riot at the execution of a smuggler, the military were called in: captain PORTEUS, their commanding officer, ordered them to fire before the time prescribed by law: he was condemned to die, but pardoned: a mob collected with secrecy in the night, took him out of prison and hanged him: and though but a small portion of the inhabitants of Edinburgh could have been privy to that criminal act the whole, of them were fined for the deed of that portion, small as it was. This argument of lord NORTH's was at least specious and evinced great dexterity in debate. But BURKE, not only defeated it, by contrasting in a masterly manner the cases of Boston and Edinburgh, and shewing that they were in every essential of argument totally different; but made the comparison instrumental to his great leading object, of exposing the injustice of government to the city of Boston. The proceedings against Edinburgh he observed, were protracted to more than four months; these against Boston were done in seventeen days. In the case of Edinburgh, the provost, magistrates, judges and many other persons were openly examined as witnesses, at the bar of the house; in that of Boston the witnesses were secretly examined before the privy council;

and their evidence was then suppressed. Edinburgh was fully heard at the bar by her counsel ; the agents of America were refused to be heard at the bar. Edinburgh had her constitutional representatives in both houses of parliament ; there was not one member in either house for Boston, nor for all or any part of America, nor was there one American voice in electing any of the members of those houses. The charge against Edinburgh was no less than a direct overt-act of rebellion, and an atrocious murder proved on a full and deliberate hearing, and by competent evidence ; that against Boston only a charge of a riot and trespass not proved ; neither evidence or hearing having been allowed her. In the business of Edinburgh frequent conferences were held between the two houses, to compare the evidence ; while not one conference was held on the affairs of Boston. The punishment of Edinburgh, the metropolis of Scotland, and the third in rank and opulence in the old British empire, was a fine of two thousand pounds only ; that of Boston, a small city scarcely advanced into the gristle of its existence, “ the loss of its port and commerce—the very use of its people’s own private property consigned to the mercy of the king’s ministers, after they should have paid for rotten tea, the price of sound, to the amount of thirty thousand pounds.”

Great as were the grievances with which this bill was fraught, they appeared inferior in magnitude to, and, with respect to ultimate consequences, infinitely less mischievous than those that must necessarily ensue from the bill which deprived the province of its chartered rights and privileges. It was not at all unnatural to account for the former upon grounds which, though not perfectly reasonable, were at least specious ; and some might have argued with themselves, that the British parliament might naturally have concluded from the trespasses on the tea ships having been committed in the open day and in the face of the whole town of Boston, that all the inhabitants were concerned in them ; that if they did not actively aid the perpetrators, they had at least con-

nived at their outrageous proceedings, and ought therefore to be made responsible for them; and not only be compelled to repair the mischief and make ample restitution to the sufferers, but punished for having any hand in it; and that therefore the act of shutting the port, as it meant no more than an act of temporary castigation, might be endured; more particularly because it was definite in point of duration, and capable of ultimate remedy. But in the second act it was clearly discernable that the intention was to cut up by the very roots the liberties and independence of the province, and to put it into the humiliated state of unconditional submission to the crown. In parliament the ministers contended that it was useless to make any laws at all to bind the colonies, if the power to evade or resist them, was left to those whom they were intended to bind, and if the sole power of executing, rested with those very persons who were in riotous opposition to them. On the other side it was contended that the charter of a people was a compact, the violation of which, by either of the contracting parties, ought not to be countenanced or ordered; that neither party had constitutionally a right to break it; and that the making a general charge of delinquency against a portion of a community a pretext for disfranchising the whole of them, and at one stroke annihilating their privileges and freedom, was a most arbitrary, dangerous and intollerable stretch of power. Such a violation was not only unauthorised by justice, but forbidden by sound and even by selfish policy. On a motion sometime afterwards made for conciliation with America, the history of the English nation, at home, itself was adduced to shew that the only certain and permanent support of authority in governments, is the freedom of the people who are to be governed. In four capital instances in the constitutional annals of that country, it appeared that English authority and English liberties had exactly the same boundaries. Ireland, though never governed by a despotic power, had no parliament before the conquest; on which event England communicated

to it a form of parliament such as she herself enjoyed. But unfortunately this was not extended to all classes of people in Ireland, and the consequence was, that British authority was not extended beyond it. The British standard could not be advanced an inch beyond its privileges, and it was an historical fact that the refusal of those rights was the cause why Ireland could not be subdued for five hundred years; and why, after invention had been strained to find means of persecution, nay military government itself resorted to in vain, it was discovered that nothing could make that country English in civility and allegiance, but imparting to it the laws and the form of legislature of England, and giving it a general instead of a partial parliament. Wales was the second instance quoted. When conquered it was not treated like a part of the realm—its constitution was destroyed, and a bad, or rather abominable one substituted in its place. The consequence was that the people were restive, ferocious and savage, and kept England in perpetual alarm by hostile incursions. Every effort had been made to subdue by rigorous penal laws, the fierce spirit of that people. The British parliament of that day, proceeded against the Welsh, in pretty nearly the same way as they now proceeded against the Americans. At length necessary policy suggested to the parliament the expediency of putting that country on a footing with England, and of giving it a representation by counties and boroughs. From that moment all disorder subsided; and over all that country, which was then grievous to England, and in which an Englishman travelling, could not go a dozen yards off the high road without being murdered, peace, order and civilization followed in the train of liberty. The third instance quoted to shew the policy of pursuing gentle means with America, was that of the county palatine of Chester, which had once been little less in disorder than Wales, on account of its being excluded from representation. On this grievance the people applied to parliament, stating in very sturdy terms that “for lack of re-

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presentation they had been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most antient jurisdictions, liberties and privileges of the said county palatine, as prejudicial unto the commonwealth, quietness, rest and peace of the subjects inhabiting within the same." The orator (BURKE) after having read this petition verbatim, proceeding in his speech, said, "what did parliament with this audacious address?—Reject it as a libel?—Treat it as an affront to government?—Spurn it as a derogation from the rights of legislature?—Did they toss it over the table?—Did they burn it by the hands of the common hangman?—No! they took the petition of grievance all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress; and consecrated its principle to all ages in the sanctuary of legislation." Thus the county palatine of Chester as well as Ireland and Wales, demonstrated that "freedom, and not servitude is the cure for anarchy, as religion and not atheism is the cure for superstition." On each several topic of consideration, on every principle of policy and justice, and on every motive of prudence and common honesty, America was as well (rather better) entitled to be heard and redressed as Wales or Chester. Virtual representation, which the ministerial men insisted was possessed by America three thousand miles off, was infinitely less possible for her than for those places which was surrounded by actual and palpable representation, and was in the neighbourhood of the seat of government. This reasoning, which one would naturally suppose must have been decisive, had no weight with parliament, when put into the scale against the malign influence of the court junto, who inaccessible to reason, feeling or probity, and deaf to every suggestion but those of their own pride and vindictive passions, rejected every measure of conciliation.

The act for regulating the government of Massachusetts which had thus created such indignation in America, was

followed by one of a still more unjust and vexatious kind, devised for the purpose of enforcing more perfect submission to the act preceding it, or else for securing the most complete vengeance against those who should dare to disobey it. Aware that the tyrannical and unjust provisions of the one would beget riots, and call for resistance, and conceiving that as all the people of the province were engaged in the cause of freedom, and united in one common indissoluble bond of interest, they would find it difficult to get their bad law executed in the colonies, the ministers brought in an act which "provided, that in case any person in Massachusetts should be indicted for murder or any other capital offence, and it should appear by information given upon oath to the governor that the fact was committed in the exercise or aid of magistracy in suppressing riots, and that a fair trial could not be had in the province, the person so indicted should be sent to any other colony or to Great Britain to be tried. To fill up the measure of evil two other bills were passed; one for quartering a military force upon the inhabitants of Boston—the other for extending the boundaries of the province of Quebec, so as to comprehend within them that vast territory which lies between the lakes, the Mississippi and the Ohio. The latter was objected to as it carried with it a design of which had already been seen but too many proofs of utterly extinguishing the liberties of the colonies by placing an arbitrary military government at their back, and of dragooning them into a state of abject vassalage, by the arms of the French Canadians, whom they themselves had helped England to conquer. This bill which was entitled a bill for making effectual provision for the government of the province of Quebec, contained a provision that gave to it, in the eyes of the Americans, a most suspicious, if not formidable aspect; establishing a legislative council to be appointed by the crown. With such a government to rule them, it was conceived that the Canadians would easily be converted into instruments to reduce the English colonists to a state of

slavery, to annihilate their ancient assemblies, and to hand over the right of legislation for the colonies, to the creatures of the crown.

The contradiction of opinions which were held upon the probable issue of all those violent proceedings, forms a subject of speculation no less useful than curious, as it serves to shew not only how weak and fallible those often are who are called wise, but how apt the understanding is to be cajoled by the passions, and the judgement to yield itself up a slave to the will. The ministerialists conceived that only by properly administering a sufficiency of menace, force and correction, they would soon bring the colonists to submit unconditionally to whatever the British parliament, at their instance, might think proper to enact ; and that the terror of the very name of Great-Britain, her renown in arms, her frequent triumphs and successes over the greatest nations of Europe, her great military and naval prowess, and her endless wealth to support her under the utmost exertions of her enormous physical force, would deter the Americans from opposition, and induce them to assent from policy to that which they could not hope effectually to resist. Such were the opinions of the ministerial men in England, such was their language, and such too the notions which by their arts were inculcated in the country and adopted, for a time, by a large majority of the people of England. Different, far different from those were the opinions of the minority. "When you drive him hard, the boar will surely turn upon the hunters—If your sovereignty and their freedom cannot be reconciled which will they take? They will dash your sovereignty in your face. Nobody will be argued into slavery." These were the warning words of that great politician and orator EDMUND BURKE, whose opinions upon this, as upon almost every other topic on which his illumined mind was employed, were prophecy, and whose assertions then used as instruments in argumentation, are now matter of history, standing on the records of the world in a deep black letter never to be erased.

In viewing this dark train of corrupt deeds and extravagant impolicy, the moral eye is pained; and the mind, wearied with an uninterrupted succession of black and odious objects, would sink with fatigue and disgust, if it were not cheered by the contemplation of the virtuous few who stood up, the firm, though unsuccessful champions of the rights and freedom of their abused fellow subjects. The greater the power with which that virtuous minority had to contend, the more is their conduct to be admired. In the teeth of ministerial influence and improbity, they kept their post; and though they could not prevent the execution of the court-faction's wicked projects, maintained their own honor and evinced their integrity to the last. A country member of great worth, patriotism and popularity, made a motion in the commons for a committee of the whole house to take into consideration, the duties on the importation of tea into America, with a view to its repeal. A motion of a similar tendency was made in the lords. BURKE, with more, if more were possible, than his usual argument and persuasive eloquence, supported the motion in the commons. The venerable CHATHAM bending to the earth under a weight of infirmities rose, at the call of his country, from the bed of sickness, and, his great soul, for the hour gaining a victory over disease, his judgement, his force and his eloquence unimpaired, exerted himself to recall the nobles to a sense of their duty and of the eminent danger of their country; but all in vain. Dead to the sense of every thing but their own private interest, and the ministerial dictates to the guidance of which they had given up their honours, their consciences and their country, they supported the measures of the cabinet, and the opposition were left in an immense minority in both houses.

All this time the credulity of the court faction and their confidence in HUTCHINSON, the governor of Massachusetts (a designing man, and a principal promoter of all those mischiefs) kept them in the full persuasion that the lenity

shown to the other states, when compared with the rigour exercised against Boston, would prevent any cordial union among them, extinguish that sympathy which the proceedings towards that people had excited, and finally point out to them that it was their interest not to make a common cause with that town, but leave her to sustain by herself the whole weight of wrath, which it was the plan of government to pour forth upon her. But in this they egregiously deceived themselves. The colonists were neither to be deceived by artifice, nor intimidated by threats. Of the genius, the spirit, and above all, the feelings of that people, government seemed to be ignorant in an unpardonable extreme. Men elevated to so high a situation in the realm as that of cabinet minister, ought to see from their great eminence, all the movements of the political machine, many of which must of necessity escape the observation of the multitude in the level below. They ought to have known, that, however forward in point of time, and prompt and decisive in point of action, they had found the town of Boston, the other states were alike interested in the great general principle, and that all would equally maintain it. Even a moderate portion of common sense might have taught them, that the provincialists could not be such fools as to be ignorant that it was not for the destruction of a cargo of tea, but for their maintaining and acting upon the one great principle to which they all clung, that Boston was to be punished; and that the end proposed by punishing that town was to dragoon the colonists into implicit obedience to that very principle which it was the determined and unanimous resolution of them all to oppose. Thus the cause of Boston became the cause of the whole continent; and administration by the very act which they hoped would disunite them, bound up their destinies in one indissoluble tie of common interest. The dreary alternative lay before them, either to submit for ever to unlimited parliamentary taxation, or at all hazards to support the town of Boston against any compulsory

measures that might be adopted by Britain, potent and formidable as she was : and as that town was to endure the first shock of that power, with all its attendant calamities, they had every motive which a sense of their own wrongs, feeling, justice, honour and patriotism could supply to adhere to her faithfully, and be her fate what it might, to rise or to fall along with her. This feeling spread with inconceivable rapidity through the country, became the passion of the people's hearts, and the principle that influenced all their actions.

It is with nations as with individuals, that from their conduct in cases of extreme danger and difficulty, the most certain prognostics are to be taken of their future greatness. History contains very few instances of a situation so calculated to try the pith, the wisdom and the magnanimity of a people as that in which the inhabitants of Boston were placed at this juncture. A dreadful conflict, dubious in its issue, uncertain in its duration, and formidable in its aspect, lay before them. Nor was this the worst. Defeat to them was of far more terrible consequence than it could be to their adversaries. To the latter the worst that could happen was honourable death in the field, or loss of territory ; while on the issue of the affair it wholly would depend whether the colonists should or should not undergo all the ignominious pains and penalties of treason and rebellion. On the other hand, by submission peace might be obtained—but peace to themselves would inevitably be slavery to their posterity, and they nobly disdained to purchase that almost inestimable blessing at so disgraceful a price. They knew, they saw, they estimated their danger. They felt it was great, but they stood unmoved by its horrors. The gale was increasing to a hurricane, and in proportion as it augmented in fury, their determination became the stronger, their activity more lively, and their exertions more unremitted and more vigorous. With no less precautionary sagacity than stout resolution, they prepared to brave the fury of the storm.

which they saw gathering in the east. Their anxiety was great, but never, even for a moment, degenerated into fear. They had heavy forebodings, but their spirit never bent the knee under them. They expected a powerful shock—the Boston port bill exceeded all their expectations, and more than accomplished their forebodings. But it had the effect which insult and injury ever have on generous, and inflexible spirits. It gave fresh vigour to their determinations, and sublimated their souls to the highest pitch of magnanimity. Far from confounding them, or impairing the agency of their intellectual faculties, the approach of danger only sharpened their perspicacity, and rendered them more circumspect, more deliberate and more self-collected. No sooner did the intelligence of that evil boding measure arrive, than the people of Boston, simultaneously felt the necessity of prompt and active exertion—all were in motion—unanimity prevented confusion—the multitude were as so many bodies having but one mind—the business was fraught with danger; they contemplated it with awe. It was necessary; they advanced to it with inflexible courage. It was sacred—they approached it with reverential solemnity. The operation of the bill was to commence in twenty days after the intelligence arrived. It was felt that no time was to be lost. The critical importance of the subject, and the sense which every one entertained of the interest he had at stake, and of the hazard to which the slightest error would expose himself in common with them all, forbid any of those interruptions which deliberations on subjects of a serious kind so often receive from the interference of the petulant and rash, the over-weening confidence of the vain, the dogmas of the presumptuous, or the speculative chimeras of the superficial, the hollow or the wild. Under the impulse of salutary fear, ignorance for once sunk to its level, and from below looked up contentedly to wisdom in the occupance of her lofty pre-eminence. No vulgar tumultuous proceedings, no hasty or inconsiderate

acts of popular violence stained their work—no popular clamours deafened the ear against common sense. A majestic silence held dominion over the multitude, while congregated in public meetings, they attentively hung upon the dictates of wisdom, patriotism and virtue, dropping from the tongues of their natural leaders, the grave, the aged, the learned and the good. In the general contribution it was hard to determine whether sagacity or courage were most conspicuous—whether intelligence or spirit lent the greater share to their councils. None of the mean temporizing qualifications—none of the paltry abject excuses which sloth and pusillanimity can so ingeniously invent to conceal their apathy or despair, were heard, or so much as whispered in the croud. Determined not to live at all, if not live to liberty and honour, they passed resolutions, boldly but temperately denouncing the Boston port bill as impolitic, inhuman, cruel and unjust, solemnly appealing from it to God and the world. This important measure took place on the 13th May, 1774. They manfully declared it to be their opinion that the other provinces coming to a joint resolution to stop all importation from Great Britain and the West Indies, till the act for blocking up the harbour should be repealed, would prove the salvation of North America, and her liberties—but that if on the other hand, they continued their exports and imports, there was reason to fear that fraud, power, and the most odious oppression would rise triumphant over justice, right, social happiness and freedom. This resolution being voted, was ordered to be transmitted to all the other colonies in the name of the town of Boston.

The feelings of the people in all parts of the continent corresponded to the warmest wishes of the Bostonians. In a time beyond expectation short, the latter received addresses from every part, breathing the same spirit, expressing the same opinions, and manifesting not only a keen sense of the general wrong intended by government, but the most unfeigned sympathy for the injuries done to the town of Bos-

ton. Nay they went farther, encouraging that people in their noble proceedings, prompting them to perseverance in the glorious cause, which they, one and all, affirmed that they considered as the common cause of the colonies. Posterity will pay the tribute of astonishment and praise to the generous patriotism of those other provinces, which without having any direct impelling motive of self interest to urge them on, made common cause with that of Massachusetts. Nor can it withhold its applause from the provident prospective patriotism of those who first opposed the tyrannical measures of the British government, and chose rather to incur all the vengeance which enraged despotism could wreak upon resisting subjects, than purchase peace for themselves by a sacrifice of the independence of their posterity. When it is considered too that they were encountering all the horrors of a war consequent to their opposition, upon grounds of remote speculative jealousy rather than of any actually and grievously felt present oppression, historians will be at a loss for terms in which to do justice to the generous disdain of self, and the honourable feelings for a sister province, under the influence of which they resolved to share one fate and to rise or else fall along with her.

The resolution to "dash her sovereignty" in the face of Great Britain being once taken, it was obvious that no common means must be resorted to for defence from her gigantic power put in action by her wrath. To physical force and to despotism, so confident in its strength, they had little to oppose but the energies of a republican spirit, the unanimity and vigour which the consciousness of a virtuous cause inspires, and an ardent and passionate enthusiasm which alone could equalize the immense disproportion between the means of the two. No half-measures, no mixed sentiments could avail. A mere discontented acquiescence in the purposed opposition would lead to certain ruin. The object was at an immense height, and every effort that was aimed short of it, would fall with

ruin upon the heads of those who made them. Such were the requisites for success, and such requisites were found in the bosoms of the colonists. That potent engine the press was made the main instrument of accomplishing their designs. This teemed with newspapers in every corner of the country, and those again were filled with every kind of writing which could rouse the spirit of the people, inspire them with resolution and confidence of success, and fill them with the persuasion that not only their own interest and sound policy, but the ties and affections of vicinage imposed it as a duty upon all the colonists, to feel for and resent the wrongs of Massachusetts, and to unite all their exertions for her support; that if that state was obliged to yield in submission to the will of ministers, every other state would be, like her, despoiled of its charter, and that a despotic government, similar to that devised for Quebec, would be substituted in its place.

HISTORY OF THE PASSING TIMES.

C O N G R E S S.

[Continued from page 336.]

This session opened with a MESSAGE from the president, presented by his secretary, Mr. Coles, and was read in the senate, December 3, 1805; in the following words:

To the Senate and House of Representatives of the United States.

AT a moment when the nations of Europe are in commotion and arming against each other, when those with whom we have principal intercourse are engaged in the general contest, and when the countenance of some of them towards our peaceable country threatens that even that may not be

unaffected by what is passing on the general theatre, a meeting of the representatives of the nation in both houses of congress, has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the public affairs, which the will and the wisdom of the whole will approve and support.

In taking a view of the state of our country, we, in the first place, notice the late affliction of two of our cities under the fatal fever, which in latter times has occasionally visited our shores. Providence in his goodness gave it an early termination on this occasion, and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease, it has appeared that it is strictly local, incident to cities and tide-waters only—incommunicable in the country either by persons under the disease, or by goods carried from diseased places; that its access is with the autumn, and it disappears with the early frosts. These restrictions, within narrow limits of time and space, give security even to our maritime cities, during three fourths of the year, and to the country always.

Although from these facts it appears unnecessary; yet, to satisfy the fears of foreign nations, and cautions on their part not to be complained of in a danger whose limits are yet unknown to them, I have strictly enjoined on the officers at the head of the customs to certify with exact truth, for every vessel sailing for a foreign port, the state of health respecting this fever, which prevails at the place from which she sails—under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has, however, been sustained from a propensity to identify with this endemic and to call by the same name, fevers of very different kinds which have been known at all times, and in all countries, and never have been placed upon those deemed contagious. As we advance in our knowledge of this disease, as facts deve-

lope the source from which individuals receive it, the state authorities charged with the care of the public health, and congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burthen of quarantines is felt at home as well as abroad, their efficacy merits examination. Although the health law of the states should be found to need no present revisal by congress, yet commerce claims that their attention should ever be awake to them.

Since our last meeting, the aspect of our foreign relations has considerably changed. Our coasts have been infested, and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbours, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication, but not daring to approach a court of justice, they have plundered and sunk them by the way in obscure places, where no evidence could arise against them, mal-treated the crews and abandoned them in boats, on the open sea, or on desert shores, without food or covering. These enormities appearing to be unreached by any controul of their sovereigns, I found it necessary to equip a force, to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the gulph stream, and to bring them in for trial as pirates.

The same system of hovering on our coasts and harbours, under colour of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles too have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations; according to these a

belligerent takes to itself a commerce with its own enemy, which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency—and the neutral having equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations ; indeed the confidence we ought to have on the justice of others, still countenances the hope, that a sounder view of those rights will of itself induce from every belligerent a more correct observance of them.

With Spain our negotiations for the settlement of differences have not had a satisfactory issue. Spoliations during the former war, for which she had formally acknowledged herself responsible, have been refused to be compensated but on conditions affecting other claims in no wise connected with them—yet the same practices are renewed in the present war, and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed, by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not yet been acceded to. While the right is unsettled, we have avoided changing the state of things, by taking new posts, or strengthening ourselves in the disputed territories, in hope that the other power would not, by a contrary conduct, oblige us to meet their example, and endanger conflicts of authority, the issue of which may not be easily controlled ; but in this hope we have reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and the Mississippi ; our citizens have been seized, and their property plundered in the very parts of the former which had actually been delivered up by Spain, and this by the regular officers and soldiers of that government. I have therefore found it necessary at length, to give orders to our troops on that frontier to be in readiness to protect

our citizens, and repel by arms any similar aggressions in future. Other details necessary for your full information of the state of things between this country and that, shall be the subject of another communication.

In reviewing these injuries from some of the belligerent powers, the moderation, the firmness, and the wisdom of the legislature will be called into action. We ought still to hope, that time and a more correct estimate of interest as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest, of trying which party can do the other the most harm; some of these injuries may perhaps admit a peaceable remedy, where that is competent, it is always the most desirable; but some of them are of a nature to be met by force only, and all of them may lead to it. I cannot, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have already been taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these it is desirable we should have a competent number of gun-boats: and the number to be competent must be considerable. If immediately begun they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces, will be decided by occurrences probably in the course of your session. In the mean time, you will consider whether it will not be expedient, for a state of peace as well as of war, to organize the militia, as would enable us, on any sudden emergency, to call for the services of the younger portions, unincumbered with the old and those having families. Upwards of three hundred thousand able-bodied men, between the ages of eighteen and twenty-six years, which the last census shews we may count within our limits, will furnish a

competent number for offence and defence, in any point where they may be wanted, and will give time for the raising of regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service, cannot but be desirable to all our younger citizens, of the present, as well as future times, in as much as it engages to them in more advanced age a quiet and undisturbed repose in the bosoms of their families. I cannot then, but earnestly recommend to your early consideration, the expediency of so modifying our militia system, as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made under former authorities from congress of materials for the construction of ships of war of 74 guns; these materials are on hand subject to the further will of the legislature.

An immediate prohibition of the exportation of arms and ammunition, is also submitted to your determination.

Turning from these unpleasant views of violence and wrongs, I congratulate you on the liberation of our fellow-citizens, who were stranded on the coast of Tripoli, and made prisoners of war. In a government bottomed on the will of all, the life and liberty of every citizen become interesting to all. In the treaty, therefore, which has concluded our warfare with that state, an article for the ransom of our citizens has been agreed to. An operation by land, by a small body of our countrymen, and others engaged for the occasion, in conjunction with the troops of the ex-bashaw of that country, gallantly conducted by our late consul, Eaton; and their successful enterprise on the city of Derne, contributed doubtless to the impression that produced peace; and the conclusion of this prevented opportunities, of which the officers and men of our squadron, destined for Tripoli, would have availed themselves, to emulate the acts of valour

exhibited by their brethren in the attack of the last year.— Reflecting, with high satisfaction, on the distinguished bravery displayed, whenever occasion permitted, in the late Mediterranean service, I think it would be an useful encouragement, as well as a just reward, to make an opening for some present promotion, by enlarging our peace establishment of captains and lieutenants.

With Tunis, some misunderstandings have arisen, not yet sufficiently explained; but friendly discussions with their ambassador, recently arrived, and a mutual disposition to do whatever is just and reasonable, cannot fail of dissipating these. So that we may consider our peace, on that coast, generally, to be on as sound a footing as it has been at any time. Still it will not be expedient to withdraw immediately the whole of our force from that sea.

The law, providing for a naval peace establishment fixes the number of frigates which shall be kept in constant service in time of peace; and prescribes that they shall be manned by not more than two thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two thirds only of the proper complement of men, must depend on the nature of the service on which she is ordered, that may sometimes, for her safety, as well as to ensure her object, require her fullest complement. In adverting to this subject, congress will perhaps, consider whether the best limitation on the executive discretion in this case, would not be by the number of seamen which may be employed in the whole service, rather than by the number of vessels. Occasions oftener arise for the employment of small, than of large vessels: and it would lessen risk as well as expence to be authorised to employ them of preference. The limitation suggested by the number of seamen would admit of a selection of vessels best adapted to the service.

Our Indian neighbours are advancing, many of them with spirit, and others beginning to engage in the pursuits of

agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labour than the forest, and find it their interest from time to time, to dispose of parts of their surplus and waste lands, for the means of improving those they occupy, and of subsisting their families while they are preparing their farms: since your last session the northern tribes have sold to us the lands between the Connecticut reserve and the former Indian boundary; and those on the Ohio, from the same boundary and its rapids, and for a considerable depth inland. The Chickasaws and Cherokees have sold us the country adjacent to the two districts of Tennessee; and the Creeks the residue of their lands in the fork of the Ocmulgee up the Ulcosauhatche; the three former purchases are important, in as much as they consolidate parts of our settled country, and render their intercourse secure; and the second particularly so, as, with the small point on the river, which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near its mouth, and the navigation of that river is thereby rendered forever safe to our citizens settled and settling on its extensive waters; the purchase from the Creeks, too, has been for sometime particularly interesting to the state of Georgia.

The several treaties which have been mentioned will be submitted to both houses of congress for the exercise of their respective functions.

Deputies now on their way to the seat of government, from various nations of Indians inhabiting the Missouri and other parts beyond the Mississippi, come charged with assurances of their satisfaction with the new relations in which they are placed with us, of their dispositions to cultivate our peace and friendship, and their desire to enter into commercial intercourse with us.

A state of our progress in exploring the principal rivers of that country, and of the information respecting them hi-

therto obtained, will be communicated so soon as we shall receive some further relations which we have reason shortly to expect.

The receipts at the treasury during the year ending on the 30th September last, have exceeded the sum of thirteen millions of dollars, which with not quite five millions in the treasury in the beginning of the year, have enabled us, after meeting other demands, to pay nearly two million of the debts contracted under the British treaty and convention, upwards of four millions of principal of the public debt, and four millions of interest: these payments, with those which had been made in three years and a half preceding, have extinguished, of the funded debt, nearly eighteen millions of principal.

Congress, by their act of November 10th, 1803, authorises us to borrow 1,750,000 dollars towards meeting the claims of our citizens assumed by the convention with France. We have not, however, made use of this authority, because the sum of four millions and an half, which remained in the treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of dollars, appropriating to the funded debt, and meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars, assumed by the French convention, and still leaves us a surplus of nearly a million of dollars at our free disposal; should you concur in the provisions of arms and armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing congress, since, by the choice of my constituents, I have entered on a second term of administration, I embrace this opportunity to give this public assurance, that I will exert my best endeavours to administer faithfully the executive department; I will zealously co-operate with you in any measure which may tend

to secure the liberty, property and personal safety of our fellow-citizens, and to consolidate the republican forms and principles of our government.

In the course of your session you shall receive all the aid which I can give for the dispatch of the public business, and all the information necessary for your deliberations, of which the interests of our country and the confidence reposed in us by others, will admit a communication.

THOMAS JEFFERSON.

In the house of representatives on Tuesday the third instant, Mr. Randolph, chairman of the committee of ways and means informed the house, that the committee had received a communication from the treasury department, stating, that the appropriations for the support of the navy, had fallen short of that object; and that in order to meet the present exigent demand, an immediate appropriation would be necessary. The deficiency of the appropriation for the current year was estimated by the secretary of the navy, at 600 000 dollars. The present call required an appropriation of 250 000, for which he begged leave to introduce a bill, which being granted, he reported one appropriating the sum of 250 000 for the navy, to be taken out of the fund denominated the Mediterranean, or whatever other monies in the treasury. The bill was read a second time, and ordered to be engrossed for a third reading.
